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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,909	07/20/2004	Yasuhide Takata	2004-1117A	8664
513	7590	09/21/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			BURNHAM, SARAH C	
2033 K STREET N. W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006-1021			3636	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,909

Applicant(s)

TAKATA ET AL.

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 7-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Ritchie et al. (6,354,556). Ritchie discloses a frame structure (22) for an automobile seat (un-illustrated) comprising a frame (22) to be vertically movably mounted on a vehicle floor (14), a lifter (170)(24)(26)(30) for adjusting a height of the frame (22) and a suspension unit (200). The lifter (170)(24)(26)(30) and the suspension unit (200) are integral in that the suspension unit (200) is mounted on the lifter structure (170)(24)(26)(30) as defined in applicants specification on page 8, line 15.

With respect to claim 2, a torsion bar (70) is rotatably mounted on the vehicle floor (14) by way of element (30); wherein said lifter (170)(24)(26) comprises a first link mechanism (26) through which the torsion bar (70) is connected to the frame (22), an operating means (170) connected to the first link mechanism (26), wherein height adjustments of a front end portion (unlabeled) of the frame (22) are carried out via the first link mechanism (26) and height adjustments of a rear end portion (24) are carried out via a second link mechanism (24) by operating the operating means (170).

With respect to claim 7, said lifter (170)(24)(26)(30) is configured for selectively adjusting a height of the frame given that "a seat height controller may be used to control the air pressure delivered to and removed from the air spring 170 to thereby adjust the height of the seat to a selected elevation" (column 9, lines 26-30).

With respect to claims 8 and 9, said lifter (170)(24)(26)(30) comprises a lifter operating mechanism (170), a first link (26) connected between said lifter operating mechanism (170) and a front end portion of said frame (22) so as to adjust a height of said front end portion of said frame (22) upon operating of said lifter operating mechanism (170), a second link (24) connected between said lifter operating mechanism (170) (via element (30) and the first link mechanism (24)) and a rear end portion of said frame (22) so as to adjust a height of said rear end portion of said frame upon operation of said lifter operating mechanism (170)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie et al. (6,354,556) in view of Ogasawara (JP6050374). As disclosed above,

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Ritchie reveals all claimed elements with the exception of a suspension unit comprising a magnet unit having a movable magnet and stationary magnets or a magnetic fluid damper.

Ogasawara discloses a suspension unit (10) comprising a magnet unit (unlabeled) having a movable magnet (30) and stationary magnets (48)(50). The cylinders are each charged with a "magnetic fluid" (abstract) creating a magnetic fluid damper.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to replace the suspension unit (200) disclosed by Nagata with a magnet suspension unit (10) as taught by Ogasawara. Such a modification would provide "high damping force" (abstract) to protect a driver from strong vibrations. Furthermore, such a device is less likely to malfunction than a gas cylinder that can develop leaks over time and use.

Response to Amendment/Arguments

5. The amendment filed on July 12, 2005 has been considered in its entirety. Remaining issues are detailed in the section above.

The arguments with respect to Nagata are moot in view of the new grounds of rejection set forth above.

This action is made **NON-FINAL** in light of the new grounds of rejection applied above.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
September 16, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600